

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, October 25, 2012**

Members present were George Allan Hayden, Chairman; Robert Moreland, George T. Edmonds, Ronald Payne and John Brown. Randy Guy was excused. Department of Land Use & Growth Management (LUGM) staff present were Phil Shire, Director; Yvonne Chaillet, Zoning Administrator; and Jada Stuckert, Recording Secretary. Attorney George Sparling was also present.

A sign-in sheet is on file at LUGM. All participants in all cases were sworn in. The Chair called the meeting to order at 6:30 p.m.

PUBLIC HEARINGS

VAAP #10-120-001 – Kingswood Subdivision (*Continued from 10/11/12*)

Ms. Yvonne Chaillet, LUGM was sworn for the record. Ms. Chaillet indicated this plan has been revised to show a five (5) lot subdivision in which one of the lots needs a 1.1 foot variance.

Chairman Hayden opened the hearing to public comment, hearing none, closed the hearing to public comment. Ms. Chaillet submitted the revised staff report for the record, *hereby labeled as Exhibit 1 by the Recording Secretary.*

Mr. Edmonds made a motion in the matter of VAAP #10-120-001, Kingswood Subdivision, having made a finding that the standards for granting a variance and the objectives of Schedule 32.1 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to reduce the front yard setback on proposed lot 1 from the required 50 feet to 48.9 feet and Mr. Payne seconded. The motion passed by a 5-0 vote.

VAAP #12-0051 – Mitchell (*Continued from 6/28/12*)

Ms. Yvonne Chaillet, LUGM was sworn for the record. Ms. Chaillet indicated the case was continued so the applicant could revise the site plan. Ms. Chaillet submitted a revised staff report for the record, *hereby labeled as Exhibit 1 by the Recording Secretary.*

Mr. Chris Longmore, for the applicant, provided the Board with a PowerPoint Presentation, *hereby labeled as Exhibit 2 by the Recording Secretary.* Mr. Longmore asked that the PowerPoint Presentation from the 6/28/12 meeting be included in the record, *hereby labeled as Exhibit 3 by the Recording Secretary.*

Ms. Mary Owens, Critical Area Commission (CAC) was sworn for the record. Ms. Rachel Eisenhower, Legal Council for Critical Area Commission questioned Ms. Owens. Ms. Owens explained the 800 square foot CAC policy. Ms. Owens stated the applicant's request does not meet the unwarranted hardship standard and should be denied.

Mr. Eric Mitchell, owner, was sworn for the record. Mr. Mitchell stated the original variance was smaller than the current request and that the Board reviewed the original approval.

Ms. Owens submitted a letter from the CAC to Ms. Chaillet dated 10/25/12 for the record, hereby labeled as Exhibit 4 by the Recording Secretary. Mr. Longmore indicated his client would not reduce the decking to 800 sq. foot because there is no written standard limiting the square footage.

Chairman Hayden closed the hearing to public comment.

Mr. Moreland made a motion in the matter of VAAP #12-0051, Mitchell, having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to disturb the Critical Area Buffer to construct a screened porch, a sunroom, walkways, to construct a deck, after the fact, and to construct proposed decks, subject to the following conditions:

- 1. The Applicants must provide and obtain final approval of a Buffer Management and Mitigation Plan showing three to one (3:1) mitigation per square foot of the variance granted in accordance with Section 24.4.2.b of the Ordinance; and***
- 2. The Buffer Management Plan shall show which native species have been selected for planting, and where on the Property the Applicants propose to plant the vegetation. Areas without forest vegetation must be planted first prior to planting under-story trees and shrubs, or paying fees-in-lieu; and***
- 3. The Applicants must comply with the required Buffer Management and Mitigation Plan.***

Mr. Brown seconded and the motion passed by a 5-0 vote.

CUAP #12-131-006 – Loveville Surface Mine (Continued from 9/13/12)

VAAP #12-131-006 – Loveville Surface Mine (Continued from 9/13/12)

Mr. Moreland recused himself from these cases. Mr. Sparling indicated the Maryland Appellant Court has ruled that the State shall regulate surface mines now; therefore the Board of Appeals has no authority to place regulations upon them.

Mr. Edmonds made a motion to continue these cases to 1/10/12 in order to verify the new regulations and Mr. Brown seconded. The motion passed by a 4-0-1 vote with Mr. Moreland abstaining.

MINUTES AND ORDERS APPROVED

The minutes of September 13, 2012 and October 11, 2012 were approved as recorded.

The Board authorized the Chair to review and sign the following orders:

None

ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: November 15, 2012

George Allan Hayden
Chairman